

Development Charges Complaints - Delegation of Hearing Authority under the Education Act & the Development Charges Act

Date: September 3, 2019

To: Executive Committee

From: Chief Financial Officer and Treasurer

Wards: All

SUMMARY

From time to time the City receives complaints respecting the calculation of development charges (DC) and of education development charges (EDC) pursuant to Section 257.85 of the *Education Act*. The legislation requires Council to hold hearings into those complaints and give the complainant an opportunity to make representations.

Council delegated the authority to conduct DC complaint hearings to the Policy and Finance Committee in 2000. This authority was transferred to the Executive Committee when it replaced the Policy and Finance Committee and assumed its mandate in 2006. The City's practice has been to conduct EDC complaint hearings concurrently. This report seeks to amend the delegated authority for Executive Committee to include hearings for both DC and EDC complaints.

RECOMMENDATIONS

Chief Financial Officer and Treasurer recommends that:

1. City Council amend its previous delegation of authority to Executive Committee to hold hearings into development charge complaints by delegating the authority to conduct hearings on complaints under both section 20 of the Development Charges Act and Section 257.85 of the *Education Act* and Chapter 27, Council Procedures be amended accordingly.

FINANCIAL IMPACT

There are no financial implications arising from this report.

DECISION HISTORY

At its meeting of June 7, 8, and 9 of 2000 Council adopted without amendment the report entitled "Complaint Made Under the Development Charges Act, 1997" delegating authority to the Policy and Finance Committee to hold all future hearings in respect of complaints made under Section 20(1) of the Act.

<http://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000607/pof7rpt/cl006.pdf>

In July 2017 Council adopted CC31.3, a City Ombudsman report entitled Investigation Into the City's Process for Handling Development Charges Complaints and Education Development Charges Complaints, which recommended that staff ensure that all necessary delegations of authority are in place regarding education development charge complaints.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC31.3>

In July 2019 Council adopted EX7.13 which included a presentation on the DC complaint hearing procedure.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX7.13>

COMMENTS

From time to time the City receives complaints respecting the calculation of development charges (DC) under section 20 of the Development Charges Act, and of education development charges (EDC) payable for a particular development pursuant to Section 257.85 of the *Education Act*. The legislation requires Council to hold hearings into those complaints and give the complainant an opportunity to make representations.

Council delegated the authority to conduct DC complaint hearings to the Policy and Finance Committee in 2000. This authority was transferred to the Executive Committee when it replaced the Policy and Finance Committee and assumed its mandate in 2006. The City's practice has been to conduct EDC complaint hearings concurrently. This approach has been supported by staff at the Toronto Catholic District School Board, the only school board in Toronto that has an education development charges bylaw.

Under Section 257.85 of *Education Act*, complaints may be made to the City Council in respect of the following:

"an owner, the owner's agent or a board, may complain to the council of the municipality to which an education development charge is payable that,

a. the amount of the education development charge was incorrectly determined;

b. a credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or

c. there was an error in the application of the education development charge by-law."

The *Education Act* requires Council to hold a hearing into the complaint filed. Complaints are similar to the complaint requirements under Section 20 of the *Development Charges Act*.

In 2006, Council replaced the Policy and Finance Committee with Executive Committee, and the practice of conducting hearing DC complaints continued under that Committee. This report seeks to amend the previously delegated authority for Executive Committee to include hearings for EDC complaints.

CONTACT

Robert Hatton, Director, Strategic & Intergovernmental Initiatives, Corporate Finance Division; Tel: 416-392-9149; Email: Robert.hatton@toronto.ca

SIGNATURE

Heather Taylor
Chief Financial Officer and Treasurer